

ROUTING AND RECORD SHEET

81-18671

SUBJECT: (Optional)

Proposed Annex B to DCID 1/14

FROM:

[Redacted]

General Counsel

EXTENSION

[Redacted]

NO. OGC 81-86822

DATE 11 August 1981

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

ExR via ExSec

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MSC

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LOGGED, 4/1

DI/CS SECON

File DCID 1/14

Appeals procedure

BEST COPY
AVAILABLE

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SECRET

EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI		HAS SGEN		
3	D/ICS				
4	DD/NFA				
5	DD/A				
6	DD/O				
7	DD/S&T	✓			
8	GC	✓			
9	EC				
10	IG				
11	Compt				
12	D/PA				
13	D/EEO				
14	D/Pers				
15	D/ExSt				
16	AO/DCI				
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		SUSPENSE	5 AUGUST	Date	

Remarks:

To S: For Comment & to DDCI.

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9/Exor



POLICY

Approved For Release 2007/02/08 : CIA-RDP96M01138R000900010015-4

WASHINGTON, D.C. 20301

27 July 1981

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Comments?

MEMORANDUM FOR THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: Proposed Annex B to DCID 1/14 Appeals Procedure

Following our brief discussion at the NFIC on Friday, I wanted to make sure that I had made a couple of points clearly concerning the OSD position on the proposed appeals procedure.

As previously stated, we believe that the individual should be provided with specific reasons for denial or revocation of access, and we are opposed to formalizing the opportunity to appear in person to appeal.

It seems only proper that the agency that carries the overwhelming load of the appeals process should have the primary voice in the evolution of a due process system for community-wide consideration. Today, the DoD has 98,329 (including NSA) personnel indoctrinated for access to SCI. The number of authorized SCI billets is much higher but summer turnovers and employment vacancies have reduced the number on board right now. Other agencies have far fewer personnel in status for access and would suffer much less impact from the proposed Annex B. For example, the number of personnel with SCI access in various agencies are: CIA, 14,557; State Department, 2852; FBI, 1566; Interior, 238; and, Commerce, 54. Thus, the DoD has nearly five times the number of all other agencies combined. And, for the most part, the personnel of the other agencies are located in one area easily accessible to the determination authority so that a personal appearance to plead a case is not a burden on either party.

The impact on DoD is even more disproportionately heavy than the above statistics would indicate. Since the proposed Annex B excludes application of the policy to applicants for employment to the CIA and the NSA by the stipulation that it "...does not apply to decisions regarding employment...", it does not affect all agencies of the Intelligence Community uniformly. The CIA and the NSA, the two agencies with total

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populations indoctrinated for SCI as a condition of employment, need not apply it when applicants are found ineligible at the outset. Thus, the burden on the DoD becomes even more inequitable. Moreover, this major exception does not square with the arguments for total uniformity.

As long as the DoD position is legally sufficient, I feel that the evidence supports my contention that it should prevail.



Richard G. Stilwell
General, USA (Ret.)
Deputy